

REMARKS

Summary of the Amendment

Upon entry of the above amendment, the specification and claims 1 and 22 will have been amended. Accordingly, claims 1-70 will be pending, with claims 48-67 and 70 being withdrawn from examination by the Examiner on the basis of a restriction requirement, and with examined claims 1, 22 and 68 being in independent form.

Summary of the Official Action

In the instant Office Action, the Examiner indicated that claims 48-67 and 70 were withdrawn from examination because they are directed to a non-elected invention. However, the Examiner did not make the restriction final. The Examiner also rejected claims 1-47 and 68 and 69 over the art of record. By the present amendment and remarks, Applicants submit that the rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Interview of May 30, 2002

Applicants appreciate the courtesy extended by the Examiner in the interview of May 30, 2002. In that interview, Applicants' representative discussed, among other things, that none of the applied documents specifically disclose or suggest that the belts separate

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immediately following the forming element in combination and that the at least one suction element is disposed either in the forming element or in the area where the belts separate. It was specifically pointed out to the Examiner that Fig. 5 of KAMPS teaches to locate the suction device 30 at a location far away from where the belts separate. It was also pointed out that ERIKSON teaches to separate the belts far away from the forming roll 1 and also to locate the suction device 23 at a location far away from the forming roll. It was also explained that KANITZ similarly teaches to separate the belts far away from the forming roll 24. Additionally, it was explained that TIETZ similarly teaches to locate the suction device 6 at a location far away from where the belts separate. Finally, it was pointed out to the Examiner that contrary to the assertions of the Office action, KAMPS does not disclose or suggest that at least one of the inner and the outer belts is a dewatering wire having zonally variable wire permeability as recited in claim 68.

The Examiner indicated that he would reconsider the rejections in light of Applicants' arguments and amendments. By this amendment, in order to advance prosecution, Applicants have amended independent claims 1 and 22 to even more clearly distinguish the invention over the applied documents. In particular, claims 1 and 22 have been amended to more clearly recite that the at least one suction element being positioned at least one of within the forming element and adjacent the area of the separation point, wherein the inner and outer belts separate from each other immediately following the forming element. However, with

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regard to claim 68, Applicants request reconsideration of the rejections because it has not been shown that any of the applied art discloses or suggests the combination of features recited therein.

Restriction Requirement

Claims 1-47 and 68-69 were elected with traverse. Moreover, claims 48-67 and 70 were withdrawn by the Examiner as directed to the non-elected invention. However, the Examiner has not made the restriction final.

Accordingly, at this time, Applicants are not canceling the non-elected claims pending allowance of the elected claims.

Traversal of Rejection Under 35 U.S.C. § 102(b)

Claims 1-10 and 16 were rejected as being anticipated by WO 96/35018 to KAMPS.

The Examiner asserted that KAMPS discloses all of the features of these claims including, among other things, a forming element and two belts which separate from each other. Reconsideration of the above-noted rejection is respectfully requested.

As a preliminary matter, by this amendment and in order to advance prosecution, Applicants have amended independent claim 1 to substantially recite that the at least one suction element being positioned at least one of within the forming element and adjacent the

area of the separation point, wherein the inner and outer belts separate from each other immediately following the forming element, a feature which is not taught by KAMPS. Accordingly, in an effort to advance prosecution, these claims are believed to be allowable at least for this reason.

Specifically, Applicants respectfully submit that this document fails to disclose, inter alia, the at least one suction element being *positioned at least one of within the forming element and adjacent the area of the separation point*, wherein *the inner and outer belts separate from each other immediately following the forming element*, as recited in amended claim 1.

As pointed out in the May 30, 2002 interview, KAMPS teaches to locate the suction device 30 at a location far away from where the belts separate. However, it is clear from Fig. 5 of this document that the suction device 30 is not *positioned at least one of within the forming element and adjacent the area of the separation point*.

Applicants note that, for an anticipation rejection under 35 U.S.C. § 102 to be proper, each element of the claim in question must be disclosed in a single document, and if the document relied upon does not do so, then the rejection must be withdrawn.

Because this document fails to disclose at least the above mentioned features as recited in at least amended independent claim 1, Applicants submit that this document does not disclose all the claimed features recited in at least amended independent claim 1.

Moreover, Applicants submit that claims 2-10 and 16 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicants submit that no proper reading of KAMPS discloses or even suggests: that at least the outer belt is a dewatering wire having zonally variable wire permeability as recited in claim 2; that the tissue web is separated from the outer belt in the area of the separation point as recited in claim 3; that the tissue web is retained by the inner wire after being separated from the outer belt as recited in claim 4; that at least one of the inner and outer belts comprises a circulating continuous dewatering belt as recited in claim 5; that the forming element comprises a forming roll as recited in claim 6; that each of the inner and outer belts is a circulating continuous dewatering wire having zonally variable wire permeability as recited in claim 7; that the inner belt contacts the forming element and the outer belt is guided with the inner belt around the forming element such that the outer belt does not come into contact with the forming element as recited in claim 8; that the forming element comprises the at least one suction element as recited in claim 9; that the forming element comprises a suction zone as recited in claim 10; and that the at least one suction element is arranged at least essentially over an entire width of one of the inner belt and the tissue web as recited in claim 16.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection and further request that the above noted claims be indicated as allowable.

Traversal of Rejection Under 35 U.S.C. § 102(e)

Claims 1, 3-6, 8 and 16 were rejected as being anticipated by US patent 6,235,160 to TIETZ.

The Examiner asserted that TIETZ discloses all of the features of these claims including, among other things, a forming element and two belts which separate from each other and a suction device. Reconsideration of the above-noted rejection is respectfully requested.

As a preliminary matter, by this amendment and in order to advance prosecution, Applicants have amended independent claim 1 to substantially recite that the at least one suction element being positioned at least one of within the forming element and adjacent the area of the separation point, wherein the inner and outer belts separate from each other immediately following the forming element, a feature which is not taught by TIETZ. Accordingly, in an effort to advance prosecution, these claims are believed to be allowable at least for this reason.

Specifically, Applicants respectfully submit that this document fails to disclose, inter alia, the at least one suction element being *positioned at least one of within the forming element and adjacent the area of the separation point*, wherein *the inner and outer belts separate from each other immediately following the forming element*, as recited in amended claim 1.

As pointed out in the May 30, 2002 interview, TIETZ teaches to locate the suction device 6 at a location far away from where the belts separate. It is clear from the figure of this document that the suction device 6 is not *positioned at least one of within the forming element and adjacent the area of the separation point.*

Applicants note that, for an anticipation rejection under 35 U.S.C. § 102 to be proper, each element of the claim in question must be disclosed in a single document, and if the document relied upon does not do so, then the rejection must be withdrawn.

Because this document fails to disclose at least the above mentioned features as recited in at least amended independent claim 1, Applicants submit that this document does not disclose all the claimed features recited in at least amended independent claim 1.

Moreover, Applicants submit that claims 3-6, 8 and 16 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicants submit that no proper reading of TIETZ discloses or even suggests: that the tissue web is separated from the outer belt in the area of the separation point as recited in claim 3; that the tissue web is retained by the inner wire after being separated from the outer belt as recited in claim 4; that at least one of the inner and outer belts comprises a circulating continuous dewatering belt as recited in claim 5; that the forming element comprises a forming roll as recited in claim 6; that the inner belt contacts the forming element and the outer belt is guided with the

inner belt around the forming element such that the outer belt does not come into contact with the forming element as recited in claim 8; and that the at least one suction element is arranged at least essentially over an entire width of one of the inner belt and the tissue web as recited in claim 16.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection and further request that the above noted claims be indicated as allowable.

Traversal of Rejections Under 35 U.S.C. § 103(a)

Applicants traverse the Examiner's rejection of claims 11-15 and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over KAMPS in view of WO 94/28242 to ERIKSON.

Applicants also traverse the Examiner's rejection of claims 22-47 and 68 under 35 U.S.C. § 103(a) as being unpatentable over KAMPS in view of ERIKSON and further in view of US patent 6,231,723 to KANITZ.

Applicants additionally traverse the Examiner's rejection of claim 69 under 35 U.S.C. § 103(a) as being unpatentable over KAMPS in view of ERIKSON and KANITZ, and further in view of US patent 6,235,160 to TIETZ.

As a preliminary matter, Applicants submit that the above-noted rejection applying TIETZ is improper because TIETZ is not prior art with respect to Applicants' invention.

Applicants note that TIETZ cannot be used as a basis for rejection under 35 U.S.C.

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103(a). Under 35 U.S.C. section 103(c), a 35 U.S.C. 102(e) prior art document cannot form the basis of a 35 U.S.C. 103 rejection if that document is assigned to the same owner or assignee as that of the instant application, provided the application was filed after November 29, 1999. Accordingly, as this application was filed in the US on January 26, 2001 (i.e., after 11-29-99) and as both this application and TIETZ were commonly owned, i.e., by Voith Paper Patent GmbH, on January 26, 2001, this rejection is believed improper.

For the record, Applicants have confirmed to Applicants' representative that on January 26, 2001 (i.e., the filing date of the instant application) both the instant invention and the invention claimed in US patent 6,235,160 to TIETZ, were either owned by the same entity or were subject to an obligation of assignment to the same entity.

However, in the event that the Examiner may wish to reformulate a new rejection which is instead based upon DE 197 56 422 (the published priority document cited in TIETZ), Applicants are attaching hereto a copy of this document for the Examiner's review and consideration, in the event that the Examiner is unable to obtain copies of the same.

Further, the Examiner apparently asserted that KAMPS discloses all the claimed features except for a suction device which is arranged adjacent the separation of the belts. However, the Examiner asserted that ERIKSON teaches this feature. Accordingly, the Examiner concluded that it would have been obvious to one of ordinary skill in the art to modify the device disclosed in KAMPS in view of ERIKSON.

Next, the Examiner asserted that KAMPS and ERIKSON discloses all the claimed features except for a conditioning device. However, the Examiner asserted that KANITZ teaches this feature. Accordingly, the Examiner concluded that it would have been obvious to one of ordinary skill in the art to modify the device disclosed in KAMPS in view of ERIKSON and KANITZ.

Finally, the Examiner asserted that KAMPS, ERIKSON and KANITZ disclose all the claimed features except for the shoe press nip. However, the Examiner asserted that TIETZ teaches this feature. Accordingly, the Examiner concluded that it would have been obvious to one of ordinary skill in the art to modify the device disclosed in KAMPS in view of ERIKSON, KANITZ and TIETZ.

As discussed above, by this amendment and in order to advance prosecution, Applicants have amended independent claims 1 and 22 to substantially recite that the at least one suction element being positioned at least one of within the forming element and adjacent the area of the separation point, wherein the inner and outer belts separate from each other immediately following the forming element, a feature which is not taught by any proper combination of these documents. Accordingly, in an effort to advance prosecution, these claims are believed to be allowable at least for this reason.

Additionally, Applicants respectfully submit that none of these documents disclose or suggest, inter alia, the at least one suction element being *positioned at least one of within*

the forming element and adjacent the area of the separation point, wherein the inner and outer belts separate from each other immediately following the forming element, as recited in amended claims 1 and 22, and inter alia, that at least one of the inner and the outer belts is a dewatering wire having zonally variable wire permeability, as recited in claim 68.

As apparently acknowledged by the Examiner in the interview, each of the applied documents fails to disclose or suggest the at least one suction element being *positioned at least one of within the forming element and adjacent the area of the separation point, wherein the inner and outer belts separate from each other immediately following the forming element.*

As discussed above, KAMPS teaches to locate the suction device 30 at a location far away from where the belts separate. However, it is clear from Fig. 5 of this document that the suction device 30 is not *positioned at least one of within the forming element and adjacent the area of the separation point.*

Additionally, it is clear from Fig. 1 that ERIKSON teaches to separate the belts far away from the forming roll 1, i.e., after roll 6. It is also apparent that ERIKSON teaches to locate the suction device 23 at a location which is far away from the forming roll 1. Accordingly, it is clear that this document does not disclose or suggest the at least one suction element being *positioned at least one of within the forming element and adjacent the area of the separation point, wherein the inner and outer belts separate from each other*

immediately following the forming element.

Next, KANITZ similarly teaches to separate the belts far away from the forming roll 24, i.e., after pickup box 54. Accordingly, it is clear that this document does not disclose or suggest the at least one suction element being *positioned at least one of within the forming element and adjacent the area of the separation point*, wherein *the inner and outer belts separate from each other immediately following the forming element.*

Further, TIETZ similarly discloses to locate the suction device 6 at a location far away from where the belts separate. Accordingly, it is clear that this document does not disclose or suggest the at least one suction element being *positioned at least one of within the forming element and adjacent the area of the separation point*, wherein *the inner and outer belts separate from each other immediately following the forming element.*

Finally, contrary to the Examiner's assertions in the Office action, KAMPS does not disclose or suggest that at least one of the inner and the outer belts is a dewatering wire having zonally variable wire permeability as recited in claim 68. Nor is this feature disclosed or suggested by any of ERIKSON, KANITZ and TIETZ.

Thus, even if these documents were properly combined, which Applicants submit they cannot be, they would nevertheless lack features which are recited in at least independent claims 1, 22 and 68. Moreover, each of these documents fails to disclose or suggest the requisite motivation or rationale for combining these documents in the manner asserted by

the Examiner. Finally, Applicants submit that ERIKSON, KANITZ and TIETZ fail to cure the deficiencies in KAMPS, and vice versa.

Accordingly, Applicants submit that no proper combination of ERIKSON, KANITZ, TIETZ and KAMPS discloses or suggests the combination of features recited in at least independent claims 1, 22 and 68, much less, claims 11-21, 23-47 and 69 which depend from claims 1, 22 and 68 and further recite: that the at least one suction element is positioned adjacent the area of the separation point as recited in claim 11; that the at least one suction element is provided inside a loop of the inner belt as recited in claim 12; that the at least one suction element comprises a vacuum suction element and wherein the vacuum present inside the suction element is adjustable as recited in claim 13; that the at least one suction element is positioned in front of the separation point, in a web travel direction as recited in claim 14; that the at least one suction element causes the inner belt to separate from the outer belt as recited in claim 15; that the at least one suction element is arranged at least essentially over an entire width of one of the inner belt and the tissue web as recited in claim 16; that the former further comprises at least one blowing element positioned adjacent the outer belt on a side which is opposite the inner belt as recited in claim 17; that the at least one blowing element is located in the area of the separation point as recited in claim 18; that the at least one blowing element is located in the area of the separation point and inside a loop of the outer belt as recited in claim 19; that the at least one blowing element is arranged at least

essentially over an entire width of one of the outer belt and the tissue web as recited in claim 20; that the forming element comprises a suction zone having adjustable vacuum as recited in claim 21; that at least one of the inner belt and the outer belt is a dewatering wire having zonally variable wire permeability as recited in claim 23; that the former further comprises at least one suction element positioned adjacent the inner belt on a side which is opposite the outer belt as recited in claim 24; that the tissue web is separated from the outer belt in the area of the separation point as recited in claim 25; that the tissue web is retained by the inner wire after being separated from the outer belt as recited in claim 26; that at least one of the inner and outer belts comprises a circulating continuous dewatering belt as recited in claim 27; that the forming element comprises a forming roll as recited in claim 28; that each of the inner and outer belts is a circulating continuous dewatering wire having zonally variable wire permeability as recited in claim 29; that the inner belt contacts the forming element and the outer belt is guided with the inner belt around the forming element such that the outer belt does not come into contact with the forming element as recited in claim 30; that the forming element comprises the at least one suction element as recited in claim 31; that the forming element comprises a suction zone as recited in claim 32; that the former further comprises at least one suction element positioned adjacent the area of the separation point as recited in claim 33; that the at least one suction element is provided inside a loop of the inner belt as recited in claim 34; that the at least one suction element comprises a vacuum suction element

and wherein the vacuum present inside the suction element is adjustable as recited in claim 35; that the at least one suction element is positioned in front of the separation point, in a web travel direction as recited in claim 36; that the at least one suction element causes the inner belt to separate from the outer belt as recited in claim 37; that the at least one suction element is arranged at least essentially over an entire width of one of the inner belt and the tissue web as recited in claim 38; that the former further comprises at least one blowing element positioned adjacent the outer belt on a side which is opposite the inner belt as recited in claim 39; that the at least one blowing element is located in the area of the separation point as recited in claim 40; that the at least one blowing element is located in the area of the separation point and inside a loop of the outer belt as recited in claim 41; that the at least one blowing element is arranged at least essentially over an entire width of one of the outer belt and the tissue web as recited in claim 42; that the forming element comprises a suction zone having adjustable vacuum as recited in claim 43; that the conditioning device comprises a wire cleaning device as recited in claim 44; that the conditioning device is arranged at least essentially over an entire width of one of the outer belt and the tissue web as recited in claim 45; that the inner belt is a felt belt as recited in claim 46; that the former is a crescent former as recited in claim 47; and that the former further comprises a press nip through which the tissue web and the inner belt is guided, the press nip being formed between a cylinder and shoe press roll, wherein the tissue web is removed from the inner belt after passing through

the press nip as recited in claim 69.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejections of the above-noted claims under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

Double Patenting Rejection, is moot

Applicants request reconsideration of the obviousness-type double patenting rejection in view of the amendment to claim 1. In particular, Applicants submit that the instant amended claim 1 recites features which are not disclosed or suggested by the claims of TIETZ. Specifically, it is clear that none of the claims in TIETZ recite, inter alia, the at least one suction element being *positioned at least one of within the forming element and adjacent the area of the separation point*, wherein *the inner and outer belts separate from each other immediately following the forming element*.

Accordingly, Applicants request that the Examiner reconsider and withdraw the Double Patenting rejection.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicants'

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invention, as recited in each of claims 1-47, 68 and 69. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

The Commissioner is hereby authorized to charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

Respectfully submitted,
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Attachment: Appendices 1-2
Copy of DE 197 56 422

APPENDIX 1

Changes to paragraph 0014 bridging pages 3 and 4 of the specification:

[0014] In order to improve or support the effective separation of the [suctionelements]
suction elements, a blowing element may also be provided in the area of the separation point,
e.g., positioned inside the loop of the outer belt. This blowing element may suitably be
embodied such that it affects the outer belt at least essentially over its entire width. The
blowing medium may be water, air, or the like; however air is a preferred medium.

APPENDIX 2

Changes to claims 1 and 22 as follows:

1. (Amended) A former for producing a tissue web, comprising:
a forming element, an inner dewatering belt, and an outer dewatering belt;
the inner and outer belts converging to form a stock inlet nip;
the inner and outer belts being guided over the forming element and thereafter
separating from one another in the area of a separation point; [and]

at least one suction element positioned adjacent the inner belt on a side which is
opposite the outer belt; and

the at least one suction element being positioned at least one of:

within the forming element; and

adjacent the area of the separation point,

wherein the inner and outer belts separate from each other immediately following the
forming element.

22. (Amended) A former for producing a tissue web, comprising:
a forming element, an inner dewatering belt, and an outer dewatering belt;
the inner and outer belts converging to form a stock inlet nip;
the inner and outer belts being guided over the forming element and thereafter
separating from one another in the area of a separation point; [and]

a conditioning device positioned adjacent the outer belt; and

at least one suction element being positioned at least one of:

within the forming element; and

adjacent the area of the separation point,

wherein the inner and outer belts separate from each other immediately following the
forming element.